

IN THE UNITED STATES PATENT OFFICE

Applicant(s): Stephen M. Trimberger  
Assignee: Xilinx, Inc.  
Title: Consensus as an Evaluation Function for Evolvable Hardware  
Serial No.: 10/644,162 Filed: August 20, 2003  
Examiner: Lut Wong Art Unit: 2129  
Docket No.: X-1393 US Conf. No.: 5769

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Mail Stop Amendment  
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RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

A Restriction Requirement for the above case was mailed on September 29, 2009.

In response to the Restriction Requirement, Applicants assert that the search and examination of all of the claims can be made without serious burden to the Examiner, therefore, the Examiner should examine all the claims on the merits even if the application includes claims to two independent or distinct inventions. See MPEP § 803.

In addition, the Examiner conceded to examining all the pending claims rather than restrict the claims because the Restriction Requirement could have been issued at an earlier stage of prosecution but the Examiner decided to forgo doing so. It is inappropriate for the Examiner to issue a Restriction Requirement at this late stage of prosecution.

In the event that the instant Restriction Requirement is maintained despite the above arguments, the Applicants provisionally elect, with traverse, to prosecute Group 1, Claims 1-20, 25, and 27-33.

Applicants respectfully submit that this election should not be interpreted or construed as a limitation on the breadth and scope of elected and non-elected claims, but is merely a sufficient response to the restriction requirement.

Applicant hereby withdraws Group 2, Claims 21-23 from prosecution. Applicants reserve the right to request rejoiner under MPEP 821.04, if appropriate, and/or to prosecute any future cancelled claims in one or more subsequent divisional applications, without prejudice.

A listing of the claims in the present application is appended hereto, with current status.

Respectfully submitted,  
/ Thomas George, 45,740 /  
Thomas George  
Attorney for Applicants  
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*I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent & Trademark Office on October 15, 2009.*

/Katherine Stofer/  
*Typed Name: Katherine Stofer*